

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Daryl Fallas, Plaintiff, v. Cavalry SPV 1, LLC Schacter Portnoy, LLC, Defendant.	CIVIL ACTION NO. (REMOVAL OF ACTION)
---	---

**NOTICE OF REMOVAL OF
CIVIL ACTION FROM STATE COURT**

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Defendant(s), Cavalry SPV 1, LLC (hereinafter referred to as “CAVALRY”), by and through its undersigned attorney, respectfully represents as follows:

1. The removing parties are Defendant(s) in the above entitled action.
2. On or about 07/09/2012, the above entitled action was commenced, by the filing of a Civil Action against Cavalry SPV 1, LLC and Schacter Portnoy, LLC, in the Mercer County Superior Court, Case No. L-1632-12 (the “State Court Action”), and is now pending therein. A *true and correct copy of the Civil Complaint is attached and marked as Exhibit A.*
3. The State Court Action seeks, *inter alia*, the following relief: monetary and statutory damages for invasion of privacy for violation of the Fair Debt Collections Practices Act, 15 U.S.C. §1692 *et seq.* (*See Exhibit A*).
4. This Court has original jurisdiction over the above entitled action pursuant to 28 U.S.C. §1331, as it involves a federal question with regards to the alleged violations of the Fair Debt Collections Practice Act, 15 U.S.C. §1692 *et seq.* Thus, this action must therefore be removed to this Court pursuant to 28 U.S.C. §1441(a). Furthermore, this Court will have

pendent jurisdiction over any other state claims that may be asserted by the Plaintiff.

5. This notice is timely filed with the Court within thirty (30) days after service of the (pleading) on the removing parties in the above entitled action pursuant to 28 U.S.C. §1446(b).

6. Defendant, Cavalry SPV 1, LLC, has obtained consent of defendant Schacter Portnoy, LLC for the removal of this action to the District of New Jersey.

7. Attached hereto as **Exhibit "B"** is a true copy of the Notice of Filing of Removal which was sent to all other parties on this date.

8. Attached are the following process, pleadings, motions and orders served upon Defendant in this action which are known to me:

- a. Plaintiff's Summons and Complaint – **Exhibit "A"**.
- b. Defendant Schacter Portnoy, LLC's Motion to Dismiss Plaintiff's Complaint – **Exhibit "C"**.

WHEREFORE, Defendant Cavalry SPV 1, LLC respectfully requests that the above entitled action be removed from the Superior Court of New Jersey, Mercer County.

Respectfully submitted,
MAURICE & NEEDLEMAN, P.C.

/s/Rachel Marin, Esquire
RACHEL MARIN, ESQUIRE
Attorney for Cavalry SPV 1, LLC
5 Walter E. Foran Boulevard
Suite 2007
Flemington, NJ 08822
(908) 237-4550
(908) 237-4551 fax
rmarin@mnlawpc.com

Date: September 12, 2012